



CITY COUNCIL AGENDA REPORT

DATE: January 22, 2009

AGENDA OF: January 27, 2009

DEPARTMENT: City Clerk

SUBJECT: Downtown and Business District Improvement Measures. (CN)

RECOMMENDATION: Adopt the measures contained in the Downtown and Beach Area Improvement Program as indicated in this report, including:

1. Introduce for publication, an ordinance of the City of Santa Cruz amending Sections 5.43.020, 9.30.010, 9.10.030, 9.50.012, 9.50.014, 9.50.020 and adding Sections 4.04.015 and 9.50.013 to the Santa Cruz Municipal Code pertaining to failures to appear or post bail in connection with criminal violations of the Municipal Code, non-commercial display devices, aggressive solicitation, sitting on sidewalks and occupancy of public benches.
 2. Motion to direct City participation in a “Real Change, not Spare Change” program proposed by the Downtown Association (DTA).
 3. Motion to endorse a chronic inebriate enforcement program, prohibiting sale to identified individuals by alcohol retailers.
 4. Motion to direct staff to work with the District Attorney for stronger enforcement of new graffiti laws and stay-away orders for chronic offenders.
 5. Motion to direct the Mayor and City representatives to meet with County Sheriff to seek change of policy regarding release of detainees and inmates.
 6. Motion to explore increased law enforcement presence through non-General Fund revenue sources.
 7. Motion to launch the Downtown Visitor Restroom program in partnership with local businesses.
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DISCUSSION:

Over the past year there has been heightened public discussion of the need to make Santa Cruz’s downtown and beach areas more safe, vibrant and welcoming – for community members and visitors alike. The recommendations contained in this report have been developed as the result of extensive communication with local residents, organizations and businesses, and in consultation with City staff in many departments.

This of course is part of an ongoing effort extending over a period of many years. There have been dramatic successes over time, but new or lingering issues call for attention.

Just within the past year the City Council has received a steady flow of letters and emails from community members and visitors expressing negative impressions or experiences. Additional letters to the editor and news stories on this same theme have regularly appeared in the local press. Many local businesses are hanging on by a thread in the current economic climate; their hopes for survival are threatened by the ongoing problem of illegal and anti-social activity that turns away customers. We present the following package of recommendations intended to provide for increased public safety and a welcoming environment in our downtown and beach areas.

• Revise existing ordinances for greater consistency and enforceability.

The attached ordinance amends existing sections of the municipal code relating to non-commercial display devices, aggressive solicitation, sitting on sidewalks, and occupancy of public benches.

Greater consistency has been established among the various ordinances in terms of protected features, names of features, and definitions. This simplification and consistency is intended to make the ordinances easier to interpret and administer by all parties. Distances are not increased.

In addition, protected areas have been added around public art, directory signs, and public trash compactors. Prohibition against sidewalk sitting within 14 feet of public benches has been added. These additions are in response to routinely observed problems, where public access is effectively denied by obstructive intimidating or aggressive behavior nearby.

A new section establishes a one hour limit on public benches, again based on repeated problem behavior. Enforcement is based on complaint, and has a warning provision.

We are fully aware of the need to provide adequate locations for various permitted activities. There has been considerable effort spent on accurately identifying actual location of the various features, and mapping them with the City's GIS.

• Add a new Municipal Code section establishing that three unanswered citations become a warrant.

In recent years, local courts have changed their method of handling violation of local municipal code provisions. Now, violations result in a civil citation rather than a warrant. If the citation is not cleared, it is handed over to a collection agency, with little consequence to many of the most egregious repeat offenders. One chronic offender has racked up nearly \$20,000 worth of citations during the past year, with no consequence.

Under the proposed new section, three unanswered citations within a six month period would automatically become a warrant. This creates a meaningful consequence for repeat offenders.

• Direct City participation in a “Real Change, not Spare Change” program proposed by the Downtown Association (DTA).

The DTA has expressed interest in exploring a “Real Change, Not Spare Change” program for downtown. The goal is to direct charitable giving to community organizations that serve homeless and other populations in need, as an alternative to panhandling. Many communities throughout the country have established effective programs. The DTA intends to review these models and propose a program for Santa Cruz.

The recommendation is to authorize City staff to work with the DTA in a supportive role as it develops its program.

• Endorse a chronic inebriate enforcement program, prohibiting sale to identified individuals by alcohol retailers.

A high percentage of arrests, medical calls, and problem behavior related to public drunkenness are caused by a relatively small number of people. One approach that has been successful in other communities has been to identify serial inebriates to alcohol retailers, and prohibit sale of alcohol to these individuals. Using a definition developed by the County Health Services Agency, serial inebriate is defined as an individual with five arrests for public drunkenness within a six month period,

The sale or service of alcohol to serial inebriates is already prohibited by state law. This program is intended to assist the Police Department and alcohol retailers in the City to efficiently and effectively administer that law.

The program has been developed by the police department and reviewed by the City Attorney. It includes provisions for due process and appeal. Final details are being worked out. This program is expected to be implemented within the coming month.

• Work with District Attorney for stronger enforcement of new graffiti laws and stay-away orders for chronic offenders.

Graffiti is a persistent problem throughout the City, including downtown and the beach area. It causes blight and costs an untold amount in damage and abatement. Graffiti abatement in the City of Santa Cruz is coordinated by the Economic Development/Redevelopment Agency, including a 24-hour graffiti hotline.

Over the past year, a graffiti abatement contractor has removed over 1,700 “tags”. The contractor provides photos of each tag removed, and the photos are shared with the police. If a tagger is arrested, the photos are searched for matching tags, which can be added on to the original offense. In addition, the Agency sponsors Graffiti Free Santa Cruz, a community-based graffiti removal program with approximately 250 volunteers. It is conservatively estimated that volunteers eliminate over 2,000 graffiti tags annually

In July 2008 Gov. Schwarzenegger signed AB 2609 calling for mandatory community service, requiring convicted graffiti offenders to participate in graffiti removal and anti-vandalism efforts whenever feasible and appropriate. District Attorney Bob Lee has called upon local jurisdictions to work on a county-wide approach to implementing AB2609. We recommend directing staff work with the District Attorney on this effort.

In addition, we recommend directing City representatives to continue working with the District Attorney and courts to seek stay-away orders for persons with multiple citations in the downtown area, as a condition of sentencing or probation.

• Direct Mayor and City representatives to meet with County Sheriff to seek change of policy regarding release of detainees and inmates.

Currently, it is common practice of the Sheriff's office to release in Santa Cruz the majority of detained or arrested individuals, regardless of their home community or where the crime occurred. This places an undue burden on our community. We recommend directing the Mayor and others to address this issue with the Sheriff.

• Explore increased law enforcement presence through non-general fund revenue sources.

There is broad agreement among police officers, downtown hosts, local businesses and residents involved in public safety efforts that downtown issues could be more effectively addressed if there were additional law enforcement personnel with authority to make arrests.

We fully realize the budget constraints, but nonetheless recommend that City departments and community groups explore possible means to add law enforcement presence, including rangers, with non-general fund sources. This recommendation is not a funding commitment; it simply expresses intent to fully explore new options.

• Launch the Downtown Visitor Restroom program in partnership with local businesses.

Lack of adequate restroom facilities in the Downtown area has been an ongoing complaint of visitors and community members. In July of 2008 the council authorized a pilot program to address this issue by providing a monthly stipend to cover the additional maintenance costs for businesses that volunteer to open their restrooms to visitors during regular business hours. Facilities must be ADA accessible.

The Economic Development/Redevelopment Agency has coordinated this project, identifying the appropriate businesses, developing the necessary agreements and producing signage. They are now ready to launch this program with the following businesses: Pizza My Heart, Asana Teas, and Bookshop Santa Cruz. We recommend appropriate publicity about this new program.

We wish to thank the many community individuals and city staff who have given a great deal of time and careful thought in the development of these recommendations.

We also wish to commend city staff and community members whose collaborative approach has lead to some important recent achievements, including:

- Improved trash collection, especially after hours and on weekends
- Purchase of sweeper-scrubber for routine cleaning of downtown sidewalks, parking facilities, wharf and other City facilities
- Improved safety in downtown public parking lots and garages
- Installation of public art along Pacific Avenue
- Approval of improved street lighting for downtown, providing better illumination and better ease of maintenance.

At a time when every resource is limited, we are encouraged to see so many City departments and community members come together with suggestions that will improve our downtown and beach areas.

Submitted by:
Mayor Mathews

Submitted by:
Councilmember Robinson

Submitted by:
Councilmember Coonerty

ATTACHMENT: Ordinance